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SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

CONTENTS

STATEMENT BY MR. AGBÉYOMÉ MESSAM KODJO, PRIME MINISTER OF TOGO

STATEMENT BY MS. BENITA FERRERO-WALDNER, MINISTER FOR FOREIGN AFFAIRS OF AUSTRIA

STATEMENT BY MR. JOSCHKA FISCHER, MINISTER FOR FOREIGN AFFAIRS OF GERMANY

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CONTENTS (continued)

STATEMENT BY MR. FELIPE PÉREZ ROQUE, MINISTER FOR FOREIGN AFFAIRS OF CUBA

STATEMENT BY MR. DIEGO GARCIA-SAYAN LARRABURE, MINISTER OF JUSTICE OF PERU

STATEMENT BY MR. GUSTAVO BELL LEMUS, VICE-PRESIDENT OF COLOMBIA

ORGANIZATION OF WORK

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (continued)

The meeting was called to order at 10.10 a.m.

STATEMENT BY MR. AGBÉYOMÉ MESSAM KODJO, PRIME MINISTER OF TOGO

1. Mr. MESSAM KODJO (Togo) informed the Commission on Human Rights of his Government's support, in particular for the High Commissioner, whose determination and devotion to the cause of human rights he applauded. The Togolese Government noted with regret the High Commissioner's decision not to seek a second term of office.

2. He had taken the floor above all to enlighten the international community about the serious and unfounded accusations directed against Togo by Amnesty International. Those accusations had led to the establishment of the United Nations/OAU International Commission of Inquiry for Togo. Following their inquiry, conducted in Togo, Ghana and Benin, the members of the commission had concluded that they could neither confirm nor deny the allegations made by Amnesty International. It could hardly have been otherwise, since the entire affair was a plot to destabilize Togo orchestrated by a number of opponents to the Government.

3. Amnesty International's accusations that hundreds of civilians and soldiers had been summarily executed and thrown into the sea were therefore totally unfounded, as had been admitted inter alia by representatives of the national press. The accusations were even less plausible given that foreign observers and NGOs in Togo during the election period had never heard about the bodies said to have been found floating off the coasts of Togo and Benin. Such tragic incidents could not have gone unnoticed by all those flocking to Lomé beach.

4. Amnesty International had therefore obviously been misled by its informants and had failed its mission by not taking the usual precautions it should have in the light of the seriousness of the incidents. During his visit to Lomé over 10 years earlier, the former Secretary-General of Amnesty International, Mr. Peter Duffy, had paid tribute to Togo's struggle to promote human rights. It was therefore surprising that in less than 10 years, Togo should have become a State of terror.

5. Togo's economic success admittedly stood in the way of those who wanted to reach power. In spite of the difficult economic situation, Togo had become the hub of the subregion. Togolese banks were flush with cash, earning Togo the nickname, "the Switzerland of Africa". The country was respected and admired by its neighbours and many Africans were moving there, contributing to its prosperity.

6. Those opposing the party in power, the Togolese People's Rally, had started by organizing armed incursions from the exterior, resulting in a high toll of innocent victims, in 1986, 1993, 1994 and 1998. During the political crisis that had broken out in the country in 1990, accusations of human rights violations had been pulled out of thin air.

7. Togo had been building on democracy and the rule of law since the mid-1980s. It was with a view to enhancing that process that it had promoted the establishment of trade unions and political parties, of many human rights NGOs, and had guaranteed freedom of the press.

Although the media had abused that freedom, the Togolese Government had demonstrated great tolerance and the President of the Republic, Mr. A. Adema, had always pardoned journalists who had been arrested or even convicted.

8. The steps taken by the Togolese Government to promote the rule of law and democracy included the establishment of the National Human Rights Commission, the ratification of almost all international human rights treaties and increased attention to the strengthening of the judiciary. In addition, the Supreme Council of Justice, the Constitutional Court and the renovated Supreme Court had been established with a view to consolidating the rule of law.

9. In view of the particularly worrisome human rights situation in Africa, Togo was determined to rise to the two major challenges of strengthening democracy and implementing a genuine economic, social and cultural policy. The latter objective required a strong economy. To meet it, strategies would have to be found that favoured sustainable human development, or the steadily worsening economic situation could lead to a social explosion. The international community had to become aware of the pressing appeals that were being launched and understand that it was difficult to speak of effective enjoyment of human rights for a population that lived below the poverty threshold.

10. To meet its objectives, the Togolese Government was implementing a medium-term strategy aimed both at stabilizing and rehabilitating the macroeconomic framework and at the optimum allocation of resources, while ensuring that the most vulnerable population sectors were protected. It recognized the close connection between development, democracy and human rights, the threesome established by the World Conference in Vienna in 1993.

11. He vigorously declared the need for a policy aimed at integrating all the communities in a country and at respect for individual fundamental rights. In that regard, the Togolese Government was enthusiastically preparing to contribute to the World Conference against Racism.

STATEMENT BY MS. BENITA FERRERO-WALDNER, MINISTER FOR FOREIGN AFFAIRS OF AUSTRIA

12. Ms. FERRERO-WALDNER (Austria) said that her delegation regretted to learn that Mrs. Robinson, who had made a decisive contribution to advancing the cause of human rights and to strengthening the human rights capacities of the United Nations system, would not be seeking a second term of office.

13. Austria saw the Commission on Human Rights as the central engine for the development and promotion of human rights worldwide. The Commission had generated two covenants and an impressive number of conventions and declarations. It had established monitoring mechanisms and a network of human rights assistance. It had also introduced the human rights dimension into new areas and had brought about recognition of the right to development.

14. Unfortunately, human rights instruments often remained a dead letter for countless human beings whose most basic rights continued to be grossly violated every day. The

recognition of the imperative need to translate human rights standards into practice had been a central achievement of the Vienna World Conference on Human Rights. In that respect, the Conference had laid a number of foundations.

15. The United Nations nevertheless had to reflect on how best to ensure respect for human rights during conflict, how to incorporate human rights into prevention policies and how to formulate strategies apt to achieve lasting reconciliation on the basis of the rule of law and good governance. In that respect, she expressed satisfaction at the growing importance of human rights in the United Nations system, in particular in field activities.

16. With regard to the often tragic plight of the 20 to 25 million people displaced by conflict around the world, she paid tribute to the Secretary-General's representative for internally displaced persons, Mr. Francis Deng, for his advocacy on behalf of the internally displaced in dialogues with governments and other actors. She had been encouraged to learn of the good use made by many governments of the Guiding Principles on Internal Displacement compiled by Mr. Deng at the Commission's request and of the establishment of an inter-agency network on internal displacement. Much remained to be done, however, to find an adequate response to the needs of internally displaced persons. In that area, the Commission and the High Commissioner for Human Rights had an important role to play.

17. The previous year, as Chairperson-in-Office of the OSCE, she had ensured that one of the OSCE's meetings had dealt with migration and internal displacement. Furthermore, the Austrian Government had hosted an international colloquy on internal displacement, and the Austrian delegation would table a draft resolution on the issue at the current session of the Commission.

18. Austria unreservedly supported the activities of the Offices of the High Commissioner for Human Rights in Burundi and Colombia to assist national institutions and civil society. The Offices endeavoured to deal with the many problems caused by the conflicts in those two countries, including displacement. Austria had pledged 5 million Austrian schillings in support of the Burundi Office. It would also support the Colombia Office with its European Union partners.

19. In order to ensure respect for the principle of non-discrimination both at international and local level, Austria was actively participating in the preparations for the World Conference against Racism. It was honoured to have chaired the preparatory committee for the European Regional Conference in Strasbourg. The World Conference should make concrete recommendations. It was essential that NGOs be adequately represented at the World Conference. Mastering the future meant facing up to the past. Austria, for its part, had assumed its moral responsibility and taken measures to settle the claims arising from the Nazi socialist era or the Second World War. Although the World Conference should focus on a forward-looking approach, the participating States should not shy away from facing up to historical injustices in the framework of a constructive dialogue promoting reconciliation.

20. Ethnic minorities were the primary targets of racism, xenophobia and discrimination. The tragedies that had occurred in the former Yugoslavia and the Great Lakes region of Africa proved that negating the rights of minorities figured prominently among the causes of armed

conflict. In many instances, special measures had to be taken to ensure that the members of ethnic minorities were placed on an equal footing with the rest of the population. In that spirit, Austria would submit to the Commission a draft resolution on "The rights of persons belonging to national or ethnic, religious and linguistic minorities".

21. In order to fight more effectively against trafficking in human beings, in particular of women and children for the purpose of sexual exploitation, the international community had to conduct coordinated and interdisciplinary action, involving the countries of origin, transit and destination. The means of making potential victims aware of the issue, protecting them and helping them reintegrate into society also had to be strengthened. Austria would sponsor a special event on the topic on 9 April 2001.

22. The violent acts recently committed by young people against foreigners and asylum-seekers in Europe bore witness to the fact that despite the efforts made, a genuine human rights culture had not yet taken hold. She had therefore made human rights education a priority on the Austrian human rights agenda.

23. Civil society had to be closely involved in that undertaking. Austria therefore wholeheartedly supported the municipalities in Africa and Latin America that had proclaimed themselves "human rights cities". In Europe, the Austrian city of Graz had become the first to adopt that term.

24. Austria strongly believed that to foster the right to development in an increasingly globalized economy, national action and international cooperation had to reinforce each other. It therefore recognized the growing importance of capital flow to developing countries. It welcomed the Heavily-Indebted Poor Countries Initiative and considered the European Union's "Everything but arms" project a step towards reducing the resource gap between developing and developed countries.

25. She concluded by stating that the world needed concrete measures rather than abstract solutions. She firmly believed that the complex problems on the Commission's agenda could only be solved in a spirit of cooperation.

STATEMENT BY MR. JOSCHKA FISCHER, MINISTER FOR FOREIGN AFFAIRS OF GERMANY

26. Mr. Joschka FISCHER (Germany) expressed satisfaction at the progress made the previous year with regard to human rights. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had entered into force, and it was to be hoped that the same would soon apply to the optional protocols on child soldiers and the exploitation of children. In Yugoslavia, Korea and elsewhere, a reduction in tension had allowed peopled to believe there might be hope.

27. The same did not hold true, however, for other parts of the world. In the Middle East, the two sides had to refrain from doing anything that could stand in the way of negotiations, the only means of resolving outstanding issues.

28. The human rights record worldwide was anything but satisfactory. In more than two thirds of all States, people were being tortured or abused. The fundamental rights of women were being violated, the most basic needs of the poor ignored, and children were being conscripted into combat forces.

29. It had not so far been possible to bridge the yawning gap between rich and poor countries. Globalization offered the former greater opportunities than the latter. In order to defeat the threat that the world would be divided along new fault lines as a result of that imbalance, market forces had to be counteracted by the adoption of measures that were geared to people's needs. In the age of globalization, a society could be successful only if it respected the rights of the individual, including the creativity and freedom that would be the single most important resource in the future. Lasting economic success and social development required observance of human rights and the rule of law.

30. Political and civil rights, on the one hand, and social and economic rights, on the other, formed an indivisible whole. Only societies that put the two categories of rights on an equal footing could develop in the long term. One of the outstanding contributions of the High Commissioner for Human Rights, Mary Robinson, was that she had heightened the international community's awareness of the interdependence of the two categories of rights. In that regard, the division between the champions of civil and political rights and the proponents of social and economic rights had proved to be crippling.

31. At present, the majority of States - and that had been one of the notable successes of human rights policy - were opposed to impunity for the perpetrators of human rights violations. Everything therefore had to be done to ensure that the International Criminal Court started work as soon as possible. Germany called on all States to safeguard the integrity of the Rome Statute and to sign and ratify it as soon as possible.

32. Germany continued to urge the worldwide abolition of capital punishment, which could not be justified either ethically or legally and had not proved to be an effective means of combating crime. Germany supported the elaboration of an optional protocol to the Convention against Torture. It would sponsor a draft resolution on the right to adequate housing.

33. Priority had to be given to the fight against trafficking in women and girls throughout the world and to the abominable practice of genital mutilation, for which there was no excuse. Women from all over the world and all walks of life had to have equal rights. In that respect, the Commission should condemn the violations committed in Afghanistan, where women had been deprived of almost all their rights. Those who had destroyed the magnificent statues at Bamiyan had, with that symbolic gesture, destroyed the idea of tolerance and living together in harmony, which was the basis for human rights and peace.

34. In China, although there was growing awareness that economic modernization and protection of human rights must go hand in hand, as evidenced by the ratification of the International Covenant on Economic, Social and Cultural Rights, the Government's readiness to cooperate more closely with the United Nations mechanisms, and the Sino-German dialogue on the rule of law, the human rights situation unfortunately continued to be a source of concern. Germany called upon China to end the persecution of political dissidents, Christians, Falun Gong

practitioners and ethnic minorities such as the Tibetans and Uighurs, to stop torture in prisons and work camps, to abolish the death penalty and to ratify the International Covenant on Civil and Political Rights, for the two Covenants formed a whole.

35. In Chechnya, human rights were still being gravely violated by both sides in the war. While Russia had the right and obligation to defend its territorial integrity, the use of force, far from solving the Chechen problem, served to exacerbate terrorism and fundamentalism. A lasting solution to the Chechnya problem could only be found politically. Moreover, the Russian Federation had not yet followed up the key demands made by the Commission in the resolution it had adopted on Chechnya at its previous session. Russia had to engage in political dialogue and negotiations on the peaceful settlement of the conflict and grant the Special Rapporteurs of the Commission on Human Rights and the OSCE Assistance Group access to the region. The crimes committed in Chechnya had to be systematically investigated and prosecuted. To date, one single Russian soldier had been tried.

36. The fight against racism and xenophobia was of particular importance to Germans, who, in the light of their history, proclaimed in article 1 of the Basic Law that "the dignity of the individual is inviolable". They considered the acts of violence committed against foreigners in recent years to be intolerable and humiliating. The State and society were determined to fight all forms of right-wing radicalism, racism and anti-Semitism, by taking the required measures to repress or prevent such acts.

37. The World Conference against Racism could make a difference in the struggle against xenophobia and racism. It must not only consider past injustices, including apartheid and slavery, but also examine present and future problems. To that end, it should adopt a meaningful declaration and a realistic plan of action.

38. Amnesty International, which would be celebrating its fortieth anniversary in 2001, had proved that NGOs could be very effective against violence, oppression and intolerance. In spite of their at times differing points of view, NGOs and governments had to unite their efforts against racism and xenophobia.

39. The fact that human rights had become a fixture of international politics was one reason for cautious optimism about the future. There was still, however, a long way to go. Growing awareness that protection of human rights provided the best insurance against war and underdevelopment gave rise to hope that the rights of the individual would be better protected in the twenty-first century than in the past.

STATEMENT BY MR. FELIPE PÉREZ ROQUE, MINISTER FOR FOREIGN AFFAIRS OF CUBA

40. Mr. PÉREZ ROQUE (Cuba) said that the Commission on Human Rights was currently more divided than ever and on the verge of reaching an irreversible point of disrepute. On the one hand, there were the representatives of the third world, hostages to debt, victims of the unfair international disorder, facing hunger, poverty, illiteracy and mother and child mortality. It was those countries, whose suffering had sustained the opulence of their exploiters, which always stood accused at the Commission. On the other hand, there were the representatives of the rich

and developed countries. They were the creditors, those who consumed almost everything produced in the world, those who squandered and polluted, forgetting that they owed their wealth to the third world. They were acting as accusers and judges.

41. The time had come to put an end to that hypocrisy and double standard. The United States had to explain why it had voted against considering famine, which affected nearly 1 billion people, as an outrage to human dignity and why, at the same time as it attempted to accuse Cuba, it refused to condemn the flagrant, large-scale human rights violations committed by the Israeli army against the courageous Palestinian people.

42. The truth was that the Commission on Human Rights continued to be an instrument in the service of the interests of the United States and its allies. The time had come to democratize the Commission. To do so, the developed countries had to recognize that they were not the absolute owners of the truth and renounce the racist notion that poor people could not be right. They had to be more tolerant and stop trying to impose a single model of democracy. The World Conference on Human Rights had reaffirmed that all peoples were entitled to self-determination and, by virtue of that right, were free to establish their political conditions. Cuba would continue to demand that the Commission cease being a hostage to unjustifiable interests, that it respect the rights of all countries and that it function in a transparent, objective and democratic manner.

43. The United States accused Cuba of human rights violations. Cuba rejected that despicable accusation and vigorously affirmed that there were no human rights violations in Cuba, that there was no justification whatsoever for the attempt to single out Cuba at the Commission and that the accusation was grounded solely in the pathological incapacity of the United States to accept Cuba as an independent country that no longer belonged to it. After 40 years of blockade, economic war, invasions, terrorist acts, assassination plots against Cuban leaders and biological warfare, the United States had decided to use the Commission on Human Rights to attack Cuba. The United States had the least moral authority of all countries to judge Cuba over human rights and democracy.

44. Contrary to what was happening on a daily basis in many countries, no one had ever seen the police in Cuba beating up demonstrators, throwing tear gas at them or using dogs or rubber bullets against them. Everyone knew that in Cuba leaders demonstrated alongside the people. The US State Department, in spite of its deep-rooted hatred for Cuba, had been obliged to recognize that there were no politically motivated deaths or disappearances in Cuba. In Cuba there had not been a single case of torture, murder or disappearance, not a single murdered journalist, not a single instance of a child being sold or kidnapped, other than the attempt to retain a Cuban child in the United States. Cuba had no death squads, no mothers and grandmothers demonstrating for the return of the bodies of their murdered children and grandchildren. In Cuba, the Government had never imposed on the people an International Monetary Fund structural adjustment programme and had never given the country's riches away to transnational corporations. If after 40 years of blockade and 10 years of dire economic constraints the Cuban people continued overwhelmingly to support their leaders, it was because the authority of those leaders was not based on money or corruption and because, since they had been elected democratically and transparently, they took account of their compatriots' needs and dreams and shared their difficulties.

45. That did not mean that Cuban society was perfect. Cubans were trying to obliterate centuries of marginalization and injustice, to raise the level of education and strengthen equality, social justice and citizen participation within the framework of a political system that was far more democratic than that of the United States. Cubans were struggling for an increasingly tolerant, democratic and cultured, and therefore freer society, a society that honoured the dignity of man and was free of violence, repression and deceit.

46. The countries seconding the United States in its attempt to accuse Cuba had no moral authority to talk about human rights. It was not possible to reject the blockade against Cuba while colluding with the United States in the manipulation to justify it. The peoples of Latin America knew that the Cubans were struggling for their rights, too. They remembered Cuba's solidarity during the time of United States-sponsored dictatorships that tortured, murdered and caused the disappearance of hundreds of thousands of people. They knew that Cuba was fighting for the rights of everyone in the third world, for an end to contempt and the establishment of a more equitable world.

47. No matter what the United States thought, Cuba would never give up its freedom, its independence, its socialist ideal, its anti-imperialism and its solidarity with just causes.

48. The United States wanted to organize the party calling for the annexation to the United States of a fragmented, weak Cuba. All those attempts were doomed to fail as were the humiliating pressures that the United States was exerting on members of the Commission to condemn Cuba.

49. The United States had turned the Cuban people into the freest on earth, a people that did not depend on its trade, credits or investment. Cubans enjoyed the rare and almost unique privilege of being able to tell the United States the truth from any rostrum.

50. Cuba did not accuse the American people, who were capable of being noble and idealistic. It accused a hegemonic system of domination and the selfish and rapacious political and economic order the United States was trying to impose on the world. Cuba had been asked to make a gesture to please the United States. On behalf of his people, the gesture that Mr. Roque had decided to make was to raise his fist and loudly proclaim the words that all Cubans had uttered for 40 years, every time they had been the victims of crime and aggression: "The fatherland or death! We shall overcome!"

STATEMENT BY MR. GARCIA-SAYAN LARRABURE, MINISTER OF JUSTICE OF PERU

51. Mr. GARCIA-SAYAN (Peru) paid tribute to the High Commissioner for Human Rights, who had worked to promote human rights throughout the world and to whom he wished every success in her future endeavours.

52. Peru had gone through an unprecedented institutional crisis marked by the reign of impunity and serious human rights violations. Having settled the crisis peacefully, the transitional Government headed by Mr. Paniagua was currently re-establishing the democratic

institutions destroyed by years of authoritarianism and corruption, guaranteeing protection of human rights and returning Peru to its previous position within the international democratic system.

53. As had been reaffirmed at the World Conference on Human Rights held in Vienna in 1993, and as proved by Peru's experience, well-established democracies with stable institutions that took care to respect the rule of law were essential for the implementation of human rights. For that reason, the only ambition of the transitional Government, whose Council of Ministers was currently presided over by Mr. Javier Perez de Cuellar, former United Nations Secretary-General, was to restore democracy.

54. With regard to the administration of justice, the Constitutional Court magistrates who had been removed had been reappointed and the court was fulfilling its role. In addition, electoral commissions, which had become technically independent bodies, were now able to guarantee free, fair and transparent elections. In December 2000, the Peruvian Government had established a working group whose task was to pave the way for the establishment of a truth commission in charge of investigating the cases of thousands of people who had fallen victim to forced disappearances, summary executions and torture in Peru between 1980 and 2000, and to set up a system of compensation for the victims.

55. The Government was also drawing up a global anti-corruption strategy. The Attorney-General had set up an ad hoc office tasked with bringing to book the perpetrators of crimes involving the former President, Alberto Fujimori, and his adviser, Vladimir Montesinos. The law of amnesty by which the previous regime had attempted to protect the perpetrators of serious crimes from justice had been declared null and void. The judicial authorities had been given effective tools to fight organized crime in the form of major legislation. Twenty-nine criminal investigations had been opened involving 150 people playing a key role in criminal organizations, 25 of whom were being held in custody. Three former armed forces commanders and a number of businessmen and senior civil servants were currently in prison.

56. In addition, Peru had re-established its ties with international human rights bodies. The Inter-American Court of Human Rights had just ruled in the case of the summary execution of 15 people by the "Colina" paramilitary group. Two former generals from the Intelligence Service involved in that affair had also been arrested. The Inter-American Commission on Human Rights currently had a backlog of over 300 cases of severe torture, forced disappearances and summary executions.

57. In addition, the transitional Government had signed a number of international treaties, namely the Rome Statute of the International Criminal Court, the Inter-American Convention on the Forced Disappearance of Persons, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention against Transnational Organized Crime.

58. Peru was strongly in favour of re-enforcing the structures of the United Nations High Commissioner for Human Rights and endorsed the adoption of new international instruments expanding the protection of human rights throughout the world.

59. He concluded by asking the international community to support the people of Peru in their historic undertaking to reconstruct democracy.

STATEMENT BY MR. GUSTAVO BELL LEMUS, VICE-PRESIDENT OF THE REPUBLIC OF COLOMBIA

60. Mr. BELL LEMUS (Colombia) expressed regret that the High Commissioner for Human Rights had decided not to seek reappointment and paid tribute to her exemplary work and courage.

61. Colombia's absolute priority was to bring about national reconciliation through dialogue and political negotiation. Barely two weeks previously, a delegation consisting of over 20 countries and international organizations had met with the Government and the rebel groups with a view to keeping abreast of recent progress in the peace process. Following that meeting, it had been decided to establish an official group of likeminded countries to provide the negotiations with political, moral, technical and economic support. Colombia was counting on that support to pursue its work in favour of peace and reconciliation. The overwhelming majority of Colombians supported the Government's efforts and wanted an end to the fighting, for only reconciliation and peace could ensure that they could effectively exercise their civil, social, economic and cultural rights.

62. Given the complex nature of the situation in the country, great care must be taken not to come to the hasty and fatalistic conclusion that institutions had collapsed and the Government had no political will. The high rate of citizen participation in the elections of mayors, governors and regional councillors was evidence of the vitality of democratic institutions and the determination of Colombians to live in a democratic State. The State and the Government found it difficult to deal with the destructive effects of the internal conflict, but they had nevertheless made unprecedented efforts to modernize institutions and honour their commitments to protect human rights. The Government had implemented a far-reaching policy to defend those rights and international humanitarian law, leading to remarkable progress in the fight against illegal armed groups (guerrillas and self-defence groups, who were the main agents of the acts of violence, including massacres, perpetrated in the country). The Government categorically denied accusations that there were ties between criminal groups and the forces of law and order and declared that all State forces were opposed to the self-defence groups. The Government had adopted a plan of action and set up a national centre to coordinate the fight against those groups. It had also established a financial brigade in charge of inquiring into the movement of funds from illegal activities and into the entities financing the groups in question. Numerous military operations had been carried out to arrest the members of illegal groups, over 700 of whom were currently in prison. With a view to the modernization and professionalization of the armed forces, the Commander-in-Chief had been given discretionary authority to discharge without notice any soldier suspected of having violated the fundamental rights of an individual or of having collaborated with illegal groups. In addition, most of the operations to spray unlawful crops had been carried out in areas where the self-defence groups were particularly active.

63. Colombia was endeavouring to protect the defenders of human rights and had set aside US$ 5 million for the protection of about 40 people. Requests for protection had increased as the number of acts of violence rose, but budget resources remained insufficient. Colombia asked for

the financial support of the international community to strengthen its protection programme. It also asked for the help of NGOs in order to pursue its plan of action for people displaced because of the conflict.

64. The Government's action had been especially fruitful in the legislative field. A new Military Penal Code had been adopted, by virtue of which members of the armed forces who had committed human rights violations would be brought before civilian and not military courts. The new Penal Code covered violations of international humanitarian law and made forced disappearance a crime. Henceforth, the law prohibited the enlistment of minors in the armed forces. The Government had acceded to the treaty establishing the International Criminal Court and planned to submit it for approval to Congress.

65. Colombia was aware that until it had found a negotiated settlement to the armed conflict and obtained agreements on respect for international humanitarian law, the rights of its citizens would continue to be systematically flouted. It must not be forgotten that the guerrillas were responsible for the violence in the country. They were the ones who carried out abductions, used anti-personnel mines, harassed the indigenous population and continued to enlist minors, thus widening the tear in the social fabric. The international community had to understand and support Colombia's struggle for peace, freedom and democracy.

ORGANIZATION OF WORK (item 3 of the agenda)

66. Mr. NOIRFALISSE (Belgium), speaking on behalf of the European Union, said that the Union had been prompted to take the floor under item 3 by the announcement by Mrs. Robinson, at the beginning of the session, that she did not intend to seek reappointment. The Union wished to express its deepest appreciation to the High Commissioner for the excellent work she had carried out during her tenure. Her steadfast efforts had enhanced her Office's profile and made the Palais Wilson a true hub and universal home for human rights. The High Commissioner had put human rights at the forefront of the international agenda and had mainstreamed human rights into all United Nations activities and programmes. The European Union also wished to thank the High Commissioner for her efforts to mobilize the international community with a view to reaching a consensus in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular within the framework of the World Conference in Durban.

67. The European Union considered that the High Commissioner had fully implemented the difficult mandate entrusted to her, in a balanced manner and with great personal and professional integrity. During the special sessions and debates of the Commission held during her tenure, Mrs. Robinson had dealt with political issues impartially and had presented high-quality reports. She had actively contributed to the application of a rights-based approach to issues such as the eradication of poverty, the realization of economic, social and cultural rights and the implementation of the right to development. The Office's technical assistance and advisory services had expanded considerably and memoranda of understanding had been signed with requesting States. Thanks to cooperation with UNDP, overlap had been avoided and synergies of effort created within the United Nations system. In that context, it was regrettable that, in spite of positive responses from States to the Office's annual appeals, not all core activities were financed out of the United Nations regular budget.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (item 6 of the agenda) (continued) (E/CN.4/2001/20, E/CN.4/2001/21 and Corr.1, E/CN.4/2001/22, E/CN.4/2001/NGO/5, E/CN.4/2001/NGO/11, E/CN.4/2001/NGO/28, E/CN.4/2001/NGO/38, E/CN.4/2001/NGO/41, E/CN.4/2001/NGO/57, E/CN.4/2001/NGO/58, E/CN.4/2001/NGO/61, E/CN.4/2001/NGO/62, E/CN.4/2001/NGO/73, E/CN.4/2001/NGO/155, E/CN.4/2001/NGO/162, E/CN.4/2001/NGO/164, E/CN.4/2000/NGO/11 and Corr. 1, A/55/304)

68. Mr. MBOMIO (North-South XXI) said that the victims of racism did not intend to content themselves with the impression made by the announcement of the World Conference to take place in Durban. During that Conference, the Africans demanding reparations for centuries of enslavement would have to be heard. It was their hope that the slave trade, the black holocaust, would finally be recognized as a crime against humanity by the international community, as had the Jewish holocaust committed during the Second World War. The World Conference against Racism had to be a solemn moment of truth, an act of recognition of the phenomenon of racism, not only in its traditional form but also in all its modern forms, which were essentially economic, social and cultural in nature. Indeed, modern racism consisted in transforming citizens into consumer machines, the only criteria for selection being their solvency. The "global village" was thus being transformed into a global discriminatory society dominated by a handful of wealthy people in a limited number of countries of the North to which the people of the South had no access.

69. The draft declaration and programme of action presented by the Conference secretariat at the meeting of the Intersessional Working Group held on 6 March in Geneva represented a huge step backwards in terms of the proposals made by regional groups, in particular the Santiago and Dakar declarations.

70. The fact that the World Conference would be held on the emblematic soil of South Africa also served as a reminder that apartheid was a hideous practice thanks to which white colonialists, whose strength was their only claim to legitimacy, had occupied the country's best land. The same racist phenomenon had appeared 50 years earlier in Palestine, where the State of Israel, made up of colonialists from around the world, occupied and surrounded Palestinian territory, administering it as so many Bantustans, at present under the leadership of a person who had once been involved in the Sabra and Chatila massacres.

71. The World Conference should denounce, fight and eliminate racism, a sine qua non condition for humanity to regain the close ties of neighbourliness and community described by Mrs. Robinson in her statement of 24 March 1999.

72. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) (MRAP) observed that, in the face of the wide range of phenomena covered by the word "racism", the MRAP had decided to examine the term's definition. The preceding year it had proposed that the definition be "the overall effect of the interiorization of structural inequality", the word interiorization being understood in the sense of justification. That definition was of great practical value, for in the absence of an overall concept, anti-racism might be limited to the fight against effects whereas the causes, ever present, continued to produce fresh exclusions, giving the impression of a world struggling to catch up.

73. As the MRAP had indicated in its document on the issue (E/CN.4/2001/NGO/155), the definition of racism as the justification for a structural inequality facilitated understanding of the relationship between racism and immigration, racism and poverty, racism and inequality, and so forth. It also made it easier to understand why major States were witnessing the emergence of new and very acute forms of racism.

74. It would be a source of concern if the World Conference did not adopt practical resolutions that were truly binding on the participating States. The resolutions should concern inter alia the penal repression of racism, the struggle against discrimination and the plight of migrant workers, their families and the children born to immigrants, who were not fully integrated. That was the first of many first steps to be taken.

75. Ms. LI (Transnational Radical Party) introduced herself as a practitioner of Falun Gong, a movement subjected to brutal repression in China since 1999. Her father, also a Falun Gong practitioner, had left China after being imprisoned, leaving his family behind. She had sought refuge in the United Kingdom, where she was a student. Since her father's departure, Ms. Li's family had faced growing hardship.

76. Mr. SHEN Yongxiang (China), speaking on a point of order, said that the speaker's statement had absolutely nothing to do with the agenda.

77. The CHAIRMAN, after having asked the speaker to keep to the agenda, told her that she would have the opportunity to speak under other agenda items. The agenda item under discussion was racial discrimination and not discrimination on religious grounds.

78. Ms. RAJAKUMARI (Pax Romana) said that the situation of young people was of major concern. Pax Romana therefore welcomed the encouragement given by the High Commissioner for Human Rights regarding youth participation in the World Conference against Racism to be held in 2001. In doing so, Mrs. Robinson recalled that children and young people were sometimes not only victims but also victimizers. They killed and were killed, they were tortured and had tortured others. Certain regional preparatory meetings had reflected those concerns but rather superficially. Young people should not be present at the World Conference as mere witnesses but as active participants.

79. Pax Romana's other concern related to the caste-based discrimination affecting approximately 260 million people in Asia. In India, for example, in violation of the Indian Constitution, people belonging to certain castes - the "untouchables" - were allowed to embrace only the Hindu, Sikh or Buddhist religions. They could belong to no other religion.

80. Lastly, Pax Romana noted with concern that a large number of countries from the Asia and Pacific region had not ratified the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, only one fifth of those which had ratified had accepted the competence of the Committee on the Elimination of Racial Discrimination under article 14.

81. In conclusion, Pax Romana wished to make three recommendations. First, States should actively involve young people in the struggle against racism at all levels. Secondly, young people should be an integral part of every stage of the World Conference against Racism, and

should be co-architects of the draft declaration and plan of action. Thirdly, Pax Romana urged all Member States to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and to comply with the obligations thereby contracted.

82. Mr. HASAN (International Institute for Peace) considered the history of Bangladesh the perfect example of criminal violence brought about by intolerance and racism. Imbued with an ideology very close to that of the Nazis, the Pakistanis had always considered themselves to be superior to the Bengalis. For that reason, when the latter had decided to choose their own leaders, the Pakistani military junta had reacted with massacres on a scale tantamount to genuine ethnic cleansing. The main victims of Pakistani discrimination were the Hindus among the Bengalis, whom General Niazi had called "monkeys". During the Bangladesh war of liberation, in 1971, Pakistani troops had eliminated 3 million Bengalese, including countless Hindus killed merely because of their religion, and carried out mass deportations. Bangladesh had been put to fire and the sword and had not yet repaired all the material and psychological damage that the racist savagery of the Pakistani troops had inflicted.

83. Mr. BENNET (Afro-Asian People's Solidarity Organization) said that the human tendency to believe that one group was superior to another had been a bane leading to destruction, as had recently been demonstrated in the former Yugoslavia, Afghanistan and Rwanda. It was unfortunately true that the origins of the scourge of discrimination based on religion and race lay in predominantly white nations. The crusades, colonization and slavery were the precursors of Nazism, neo-Nazism and the discriminatory immigration policies of modern, developed nations which looked at the colour of a person's skin before opening their doors.

84. The World Conference against Racism was therefore a timely opportunity to shape a new world order in which every country was forced, if not totally to eradicate discrimination, at least severely to punish it. Attempts were currently being made in certain quarters, however, to include unrelated considerations in the definition of racism, to define societies based on a specific system of division of labour as racist, incriminating the caste system. That represented an attempt to divert attention from the true problems, such as neo-Nazi acts of aggression in Germany or the growth of exclusivist parties that denied equality to those with a darker skin. The World Conference must be clear: apartheid may have been dismantled, but there continued to exist a thousand other battles to be fought against discrimination.

85. Mr. THARAKAM (Robert F. Kennedy Memorial) observed that discrimination based on descent, and not only on race, was also covered by the International Convention on the Elimination of All Forms of Racial Discrimination, and that in that respect the caste system constituted one of the most destructive forms of discrimination. The Seminar of Experts on Migrants and Trafficking in Persons, held in Thailand in September 2000, had noted that caste discrimination was often a root cause of trafficking and migration. The Commission on Human Rights therefore had to call on all countries to campaign with a view to having the World Conference against Racism, Racial Discrimination, Xenophobia and Associated Intolerance address that kind of discrimination and identify concrete measures to end it. The Commission should support the appointment of a special rapporteur to monitor the problem, which affected at least 240 million people around the world. The countries in which such practices existed had to enact or enhance measures to combat descent-based and caste discrimination. Lastly, all

Governments should fully accept and implement the recommendations issued by the Committee on the Elimination of Racial Discrimination, the Sub-Commission on the Promotion and Protection of Human Rights and other human rights bodies. The resolution entitled "Discrimination on the basis of work and descent", adopted in August 2000 by the Sub-Commission, was particularly relevant.

86. Ms. LUPING (Cairo Institute for Human Rights Studies) believed that the international community had an obligation to ensure universal respect for human rights, including the fundamental right to protection against discrimination of the Palestinian people. The Palestinians were one of the indigenous peoples on the lands of Israel and Palestine; they had lived there for millennia. By protecting them against discrimination and by holding Israel to account, the international community would not be discriminating in any way against the Jewish people, but simply helping to eliminate discriminatory Israeli policies. The Israeli military had always clearly stated its twin aims: to ensure the domination of the Jewish majority in Israel and the occupied territories and to bring about segregation and geographical, economic, social and cultural separation between the Palestinians and their Jewish neighbours. That policy applied to Palestinian Israeli citizens living in Israel and to Palestinians living in the occupied territories.

87. The discriminatory and segregationist policies of Israel were strikingly similar to those adopted in apartheid-era South Africa and in illegally occupied Namibia. It was only thanks to the measures taken by the international community, in particular the United Nations, that discrimination and apartheid were brought to a halt. Accordingly, the Cairo Institute for Human Rights Studies asked the international community to take measures, impose sanctions and decree a boycott against Israel, as it had against South Africa, to protect Palestinians and combat the last apartheid regime.

The meeting rose at 1.05 p.m.